

# **GEORGIA FEED LAWS AND RULES AND REGULATIONS**



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### **2-13-1. Definitions.**

As used in this chapter, the term:

- (1) "Brand name" means any word, name, symbol, or device or any combination thereof identifying the commercial feed of a distributor or licensee and distinguishing it from that of others.
- (2) "Commercial feed" means all materials except whole, unmixed seed, when not adulterated within the meaning of Code Section 2-13-10, which are distributed for use as feed or for mixing in feed, provided that the Commissioner, by regulation, may exempt from this definition or from specific provisions of this chapter commodities such as hay, straw, stover, silage, cobs, husks, hulls, raw meat, and individual chemical compounds or substances when such materials are not intermixed or mixed with other materials and are not adulterated within the meaning of Code Section 2-13-10.
- (3) "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds, feed ingredients, or both, each batch of which is manufactured according to the specific instructions of the final purchaser.
- (4) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed.
- (5) "Distributor" means any person who distributes.
- (6) "Drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and any article other than feed intended to affect the structure or any function of the animal body.
- (7) "Feed ingredient" means each of the constituent materials making up a commercial feed.
- (8) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or on the invoice or delivery slip with which a commercial feed is distributed.
- (9) "Labeling" means all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrappers or accompanying such commercial feed.
- (9.1) "Licensee" means a person who obtains a commercial feed license.
- (10) "Manufacture" means to grind, mix or blend, or package or to process further a commercial feed for distribution.
- (11) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.
- (12) "Official sample" means a sample of feed taken by the Commissioner or his agent in accordance with subsection (c), (e), or (f) of Code Section 2-13-13.
- (13) "Owner" means a corporation or the stockholders thereof, a partnership, or an individual.
- (14) "Percent" or "percentages" means percentages by weight.
- (15) "Person" includes an individual, a partnership, a corporation, and an association.
- (16) "Pet" means any domesticated animal normally maintained in or near the household of its owner.
- (17) "Pet food" means any commercial feed prepared and distributed for consumption by dogs or cats.
- (18) "Product name" means the name of the commercial feed which identifies it as to kind, class, or specific use.
- (18.1) "Specialty pet" means any domesticated animal normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, birds, fish, and turtles.
- (18.2) "Specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets, but not including feeds for horses, rabbits, and wild birds.
- (19) "Ton" means a net weight of 2,000 pounds avoirdupois.

### **2-13-2. Commissioner to administer chapter.**

This chapter shall be administered by the Commissioner of Agriculture.

### **2-13-3. Cooperation with other agencies and associations.**

The Commissioner may cooperate and enter into agreements with governmental agencies of the state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this chapter.

### **2-13-4. Publication of information as to sales, production, use and analyses.**

The Commissioner may publish, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable and a report of the results of the analyses of official samples of commercial feeds sold within this state as compared with the analyses guaranteed in the registration and on the label. The information concerning production and use of commercial feed shall not disclose the operations of any person.

### **2-13-5. Disclosure of protected information.**

Any person who uses to his own advantage or reveals to anyone other than the Commissioner, officers of the department, or the courts, when relevant in any judicial proceeding, any information acquired under the authority of this chapter concerning any method, records, formulations, or processes which as trade secrets are entitled to protection, shall be guilty of a misdemeanor, provided that this prohibition shall not be deemed to prohibit the Commissioner or his duly authorized agent from exchanging information of a regulatory nature with duly appointed officials of the United States government or the governments of other states, when such officials are similarly prohibited by law from revealing this information.

### **2-13-6. License required for distribution; product registration; fees; refusal & cancellation of license or registration.**

(a) No person who manufactures a commercial feed within this state or whose name appears on the label of a commercial feed (guarantor), shall distribute a commercial feed in this state without first obtaining a commercial feed license from the Commissioner.

No distributor may cause a commercial feed to be distributed in this state without first obtaining a commercial feed license; provided, however, that the Commissioner by rule or regulation may exempt certain distributors. Application for a commercial feed license shall be made on forms provided by the Commissioner that identify the manufacturer's or guarantor's or distributor's name, place of business, and location of each manufacturing facility in the state and such other appropriate information as may be deemed necessary for enforcement of this chapter.

(b) All licenses shall expire on December 31 of each year. Licenses are not transferable and no credit or refund may be granted for licenses held for less than one full year. All commercial feed licenses must be renewed by January 1 of each year. The license fee shall be based upon the number of tons of commercial feed distributed in this state during the preceding 12 month period ending December 31, provided that tonnage of small-package products subject to registration as specified in subsection (d) of this Code section shall not be used in calculating the license fee due. The amount of the license fee shall be based upon the schedule as prescribed in the rules and regulations of the Commissioner but shall not be less than \$75.00 nor more than \$2,000.00 per annum.

(c) A commercial feed license must be renewed annually and fees shall be paid by January 31 of each calendar year, or the applicable license fee shall increase in the manner prescribed in the rules and regulations of the Commissioner.

(d) No licensee shall distribute in this state a pet food or a specialty pet food in packages of ten pounds or less which has not been registered. The application for registration shall be submitted to the Commissioner on forms furnished by, or acceptable to, the Commissioner. All registrations expire on December 31 of each year. An annual registration fee of an amount prescribed in the rules and regulations of the Commissioner is due by January 1. Such registration fee shall be \$40.00 per product registered, provided that the total of all such registration fees shall not exceed \$2,000.00 per annum for any licensee.

(e) Annual registration fees received after January 31 shall be subject to a delinquent penalty as prescribed in the rules and regulations of the Commissioner.

(f) The license and registration fees provided by this Code section shall not exceed a total amount of \$2,000.00 per annum for any licensee.

(g) The Commissioner is empowered to refuse the commercial feed license application or product registration of any firm not deemed to be in compliance with the provisions of this chapter and to cancel any commercial feed licenses or product registrations subsequently found not to be in compliance with this chapter, provided that no commercial feed license or product registration shall be refused or canceled unless the licensee has been given an opportunity to be heard before the Commissioner and to amend his application or take corrective action in order to comply with the requirements of this chapter.

(h) The Commissioner may request copies of labels and labeling in order to determine compliance with the provisions of this chapter.

#### **2-13-7. Compliance with Chapter 5 of this title.**

Every nonresident licensee, at the time of licensing and before distributing commercial feed in this state, shall comply with Chapter 5 of this title, the "Department of Agriculture Registration, License, and Permit Act."

#### **2-13-8. Labeling requirements.**

(a) A commercial feed, other than a customer-formula feed, shall be accompanied by a label bearing the following information:

- (1) The net weight, which may be stated in metric units in addition to the required avoirdupois units;
- (2) The product name and the brand name, if any, under which the commercial feed is distributed;
- (3) The guaranteed analysis stated in such terms as the Commissioner, by regulation, determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods, such as the methods published by the Association of Official Analytical Chemists;
- (4) The common or usual name of each ingredient used in the manufacture of the commercial feed, listed in descending order of predominance by weight; provided, however, that for any commercial feed other than equine feed, the Commissioner, by regulation, may permit the use of a collective term for a group of ingredients which performs a similar function or exempt such commercial feeds or any group thereof from this requirement of an ingredient statement if the Commissioner finds that such statement is not required in the interest of consumers;
- (5) The name and the principal mailing address of the manufacturer or the person responsible for distributing the commercial feed;
- (6) Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the Commissioner may require by regulation as necessary for their safe and effective use; and
- (7) Such precautionary statements as the Commissioner, by regulation, determines are necessary for the safe and effective use of the commercial feed.

(b) A customer-formula feed shall be accompanied by a label, invoice, delivery slip, or other shipping document bearing the following information:

- (1) The name and address of the manufacturer;
- (2) The name and address of the purchaser;

- (3) The date of delivery;
- (4) The product name and brand name, if any, and the net weight of each commercial feed used in the mixture;
- (5) The net weight of every other ingredient used;
- (6) Adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the Commissioner may require, by regulation, as necessary for their safe and effective use;
- (7) Such precautionary statements as the Commissioner, by regulation, determines are necessary for the safe and effective use of the customer-formula feed; and
- (8) If a drug-containing product is used:
  - (A) The purpose of the medication (claim statement); and
  - (B) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with regulations.

**2-13-9. When commercial feed deemed misbranded.**

A commercial feed shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular;
- (2) If it is distributed under the name of another commercial feed;
- (3) If it is not labeled as required in Code Section 2-13-8;
- (4) If it purports to be or is represented as a commercial feed or if it purports to contain or is represented as containing a commercial feed ingredient, unless such commercial feed or feed ingredient conforms to the definition, if any, prescribed by regulation by the Commissioner; or
- (5) If any word, statement, or other information required by or under the authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

**2-13-10. When commercial feed deemed adulterated.**

A commercial feed shall be deemed to be adulterated:

- (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health, provided that, if the substance is not an added substance, such commercial feed shall not be considered adulterated under this paragraph if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health;
- (2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act, other than one which is:
  - (A) A pesticide chemical in or on a raw agricultural commodity; or
  - (B) A food additive;
- (3) If it is, bears, or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act;
- (4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act, provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing, such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity, unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act;
- (5) If it is, bears, or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act;
- (6) If any valuable constituent has been in whole or in part omitted or abstracted there from or replaced by any less valuable substance;
- (7) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;

- (8) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the Commissioner to assure that the drug meets the requirements of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the Commissioner shall adopt the current good manufacturing practice regulations for Type A medicated articles and Type B and Type C medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless he determines that they are not appropriate to the conditions which exist in this state;
- (9) If it contains viable or poisonous weed seeds in amounts exceeding the limits which the Commissioner shall establish by rule or regulation; or
- (10) If it is, or it bears or contains any new animal drug which is, unsafe within the meaning of Section 512 of the Federal Food, Drug, and Cosmetic Act.

#### **2-13-11. Prohibited Acts.**

The following acts and the causing thereof within this state are prohibited:

- (1) The manufacture or distribution of any commercial feed that is adulterated or misbranded;
- (2) The adulteration or misbranding of any commercial feed;
- (3) The distribution of agricultural commodities, such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, which are adulterated within the meaning of Code Section 2-13-10;
- (4) The removal or disposal of a commercial feed in violation of an order under Code Section 2-13-14;
- (5) The failure or refusal to obtain a commercial feed license or small package registration in accordance with Code Section 2-13-6;
- (6) The violation of Code Section 2-13-5; and
- (7) The waiving by the Commissioner of any penalties imposed under this chapter.

#### **2-13-12. Establishment of standards for feeds; adoption of rules and regulations.**

(a) The Commissioner is authorized to establish standards for commercial feeds.

(b) The Commissioner is authorized to promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this chapter and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this chapter. In the interest of uniformity, the Commissioner, by regulation, shall adopt, unless he determines that they are inconsistent with this chapter or are not appropriate to conditions which exist in this state, the following:

- (1) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials, Incorporated, and published in the 1992 official publication of that organization and supplements thereto; and
- (2) Any regulation promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act and supplements thereto.

#### **2-13-13. Inspections authorized; receipt for samples; warrant; methods of sampling and analysis generally; forwarding results.**

(a) For the purpose of enforcing this chapter and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the Commissioner, upon presenting appropriate credentials to the owner, operator, or agent in charge, are authorized to enter, during normal business hours, any factory, warehouse, or establishment within this state in which commercial feeds are manufactured, processed, packed, or held for distribution and any vehicle being used to transport or hold such feeds and to inspect, at reasonable times, within reasonable limits, and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. The inspection may include the verification of only such records and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations established under paragraph (8) of Code Section 2-13-10. Each such inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

(b) If the officer or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge thereof a receipt describing the samples obtained.

(c) If the owner of any factory, warehouse, or establishment described in subsection (a) of this Code section or his agent refuses to admit the Commissioner or his agent to inspect the premises in accordance with subsection (a), the Commissioner is authorized to obtain from any court of this state a warrant directing such owner or his agent to submit the premises described in such warrant to inspection.

(d) For the purpose of enforcing this chapter, the Commissioner or his duly designated agent is authorized to enter upon any public or private premises, including any vehicle of transport, during regular business hours, to have access to, to obtain samples of, and to examine records relating to distribution of commercial feeds.

(e) Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists or with other generally recognized methods.

(f) The results of all analyses of official samples shall be forwarded by the Commissioner to the person named on the label and to the purchaser. When the inspection and analysis of an official sample indicates that a commercial feed has been adulterated or misbranded and upon request within ten days following receipt of the analysis, the Commissioner shall furnish to the licensee a portion of the sample concerned.

(g) The Commissioner, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample as defined in paragraph (12) of Code Section 2-13-1 and obtained and analyzed as provided for in subsections (c), (e), and (f) of this Code section.

**2-13-14. Issuance and enforcement of withdrawal from distribution orders; condemnation and confiscation authorized; disposition of condemned feed.**

(a) Withdrawal from distribution orders. When the Commissioner or his authorized agent has reasonable cause to believe that any lot of commercial feed is being distributed in violation of this chapter or any of the prescribed regulations under this chapter, he may issue and enforce a written or printed withdrawal from distribution order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the Commissioner or the court. The Commissioner shall release the lot of commercial feed so withdrawn when such provisions and regulations have been complied with. If compliance is not obtained within 30 days, the Commissioner may begin, or upon request of the distributor or licensee shall begin, proceedings for condemnation.

(b) Condemnation and confiscation. Any lot of commercial feed not in compliance with such provisions and regulations shall be subject to seizure on complaint of the Commissioner to the superior court of the county in which the commercial feed is located. If the court finds the commercial feed to be in violation of this chapter and orders the condemnation of the commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of this state, provided that in no instance shall the disposition of the commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial feed or for permission to process or relabel the commercial feed to bring it into compliance with this chapter.

**2-13-15 through 2-13-17. Reserved.**

**2-13-18. Injunctions.**

The Commissioner is authorized to apply for and to grant a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter or any rule or regulation promulgated under this chapter, notwithstanding the existence of other remedies at law. Such injunction shall be issued without bond.

**2-13-19. Initiation of prosecutions.**

(a) It shall be the duty of the Attorney General or each district attorney of a superior court to whom any violation is reported by the Commissioner or his representative to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the Commissioner reports a violation for such prosecution, an opportunity shall be given the distributor to present his view to the Commissioner.

(b) Nothing in this chapter shall be construed as requiring the Commissioner or his representative to report for prosecution, to institute seizure proceedings, or to issue a withdrawal from distribution order as a result of minor violations of the chapter or when he believes the public interest will best be served by suitable notice or warning in writing.

**2-13-20. Certificate of state chemist or other state employee as prima-facie evidence.**

In any controversy or prosecution arising under this chapter, a certificate of the state chemist or other state employee making an analysis or inspection, duly sworn to by the state chemist or the employee, shall be prima-facie evidence of the facts therein certified.

**2-13-21. Applicability of "Georgia Administrative Procedure Act"**

The provisions of this chapter pertaining to rule making, the issuance, revocation, or denial of licenses and registrations, and other administrative actions authorized under this chapter shall be subject to and conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

**2-13-22. Exemptions from chapter; when chapter may be waived.**

(a) This chapter shall not apply to any commercial feeds that have been manufactured or produced by any person, partnership, firm, or corporation for the purpose of feeding his, their, or its own domestic animals, livestock, or poultry.

(b) This chapter shall not apply to any commercial feeds whenever the purchaser of such commercial feeds desires to waive this chapter in regard to a particular manufacturer, seller, or producer of commercial feeds and the manufacturer, seller, or producer agrees to waive this chapter. No valid waiver may be executed unless the owner of the domestic animals, livestock, or poultry owns an interest in the feed manufacturing concern or the manufacturing concern owns an interest in the domestic animals, livestock, or poultry. The waiver shall be in writing, signed by both parties, and filed with the department. At any time after the waiver is on file, either party to the waiver may direct, in writing, that the department withdraw the waiver.

**2-13-23. Criminal penalty.**

Any person who violates any of the provisions of this chapter or who impedes, hinders, or otherwise prevents or attempts to prevent the Commissioner or his duly authorized agent in the performance of his duty in connection with this chapter shall be guilty of a misdemeanor.

## COMMERCIAL FEEDING STUFFS

### 40-5-1-.01 Definitions and Terms. Amended.

- (1) The names and definitions for commercial feeds shall be the Official Definitions of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), except as the Commissioner designates otherwise in specific cases.
- (2) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, except as the Commissioner designates otherwise in specific cases.
- (3) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 2-13-1(2) of the Act: Raw meat, loose salt, hay, straw, stover, silages, cobs, and husks when unground and when not mixed or intermixed with other materials: Provided that these commodities are not adulterated within the meaning of Section 2-13-10 of the Act.

### 40-5-2-.01 Label Format.

- (1) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format.

- (a) Net Weight (may be stated in metric units in addition to the required avoirdupois units) or net content (i.e., tablets, capsules, granules, or liquids) may be stated in units of net count, volume, or weight consistent with the U.S. Fair Packaging Act.

- (b) Product name and brand name if any.

- (c) If a drug is used:

1. The word "medicated" shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.

2. The purpose of medication (claim statement).

3. An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Regulation 40-5-2-.03(5).

- (d) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Regulations 40-5-2-.05 appear elsewhere on the label.

- (e) The guaranteed analysis of the feed as required under the provisions of Section 2-13-8(a)(3) of the Act include the following items, unless exempted in (10) of this subsection, and in the order listed:

1. Minimum percentage of crude protein.

2. Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in Regulation 40-5-2-.03(6).

3. Minimum percentage of crude fat.

4. Maximum percentage of crude fiber.

5. Minerals, to include, in the following order:

- (a) minimum and maximum percentages of calcium (Ca),

- (b) minimum percentage of phosphorus (P),

- (c) minimum and maximum percentages of salt (NaCl), and

- (d) other minerals.

6. Vitamins in such terms as specified in Regulation 40-5-2-.03(4).

7. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content.

8. Viable lactic acid producing microorganisms for use in silages in terms specified in regulation 40-5-2-.03(8).

9. Liquid feeds and liquid feed supplements shall in addition to the foregoing, be labeled to show:

- (i) The maximum percentage of moisture.

- (ii) The minimum percentage of total sugars as expressed as invert provided molasses or another source of sugar is used as the base.

10. Exemptions.

- (i) A mineral guarantee is not required when the feed or feed ingredient is not intended, or represented or does not serve as a principal source of that mineral to the animal and when the commercial feed contains less than 6-½% of calcium, phosphorous, and salt (NaCl).

- (ii) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.



(ii) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(iv) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significant relating to the primary purpose of the product, and no specific label claims are made.

(f) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 2-13-8(a)(4) of the Act.

(1) The name of each ingredient as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Commissioner.

(2) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

(i) When a collective term or a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

(ii) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

(g) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however the street address may be omitted if it is shown in the current city directory or telephone directory.

(h) The information required in Section 2-13-8(a)(1)-(5) of the Act must appear in its entirety on one side of the label or on one side of the container. The information required by Section 2-13-8(a)(6)-(7) of the Act shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by Section 2-13-8(a)(6)(7) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use." None of the information required by Section 2-13-8 of the Act shall be subordinated or obscured by other statements or designs.

#### **40-5-2-.02 Brand and Product Names. Amended.**

(1) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose.

(2) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.

(3) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name; provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(4) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

(5) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein"; provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

(6) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Commissioner designates otherwise.

(7) The word "vitamin", or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Regulation 40-5-2-.03(4).

(8) The term "mineralized" shall not be used in the name of a feed except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(9) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-product are made from cattle, swine, sheep and goats.

(10) If the commercial feed consists of raw milk, the words, "Raw (blank) Milk" shall appear conspicuously on the principal display panel. (Blank is to be completed by using the species of animal from which the raw milk is collected.)

#### 40-5-2-.03 Expression of Guarantees. Amended.

(1) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage, provided that for products labeled for net content (i.e., tablets, capsules, granules, or liquids), mineral guarantees in milligrams (mg) relative to units consistent with those employed for the net content may be employed.

(2) Commercial feeds containing 6.5 % or more Calcium, Phosphorus, and Salt shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following.

(a) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(b) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

(3) When required, guarantees for minimum potassium, magnesium, sulfur and maximum fluoride shall be stated in terms of percentage. Other minimum mineral guarantees shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

(4) Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and are stated in mg/lb or for those labeled by net content, in units consistent with those employed for the net content, unless otherwise specified:

(a) Vitamin A, other than precursors of vitamin A, in International Units per pound.

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

(c) Vitamin D for other uses, International Units per pound.

(d) Vitamin E, in International Units per pound.

(e) Concentrated oils and feed additive premixes containing vitamins A, D and/or E may at the option of the distributor be stated in units per gram instead of units per pound.

(f) Vitamin B-12, in milligrams or micrograms per pound.

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.

(5) Guarantees for drugs shall be stated in terms of percent by weight except:

(a) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(b) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.

(c) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(6) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(a) For ruminants.

1. Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

Crude Protein, Minimum, \_\_\_\_\_%

(This includes not more than \_\_\_\_\_% equivalent protein from non-protein nitrogen).

2. Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, \_\_\_\_\_%.

3. Ingredient sources of non-protein nitrogen such as Urea, DiAmmonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum, \_\_\_\_\_%

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, \_\_\_\_\_%

(b) For non-ruminants.

1. Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows:

Crude protein, minimum \_\_\_\_\_%

(This includes not more than \_\_\_\_\_% equivalent crude protein which is not nutritionally available to (species of animal for which feed is intended)).

2. Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude protein from all forms of non-protein nitrogen, added as such, must contain adequate directions for use and a prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.

(7) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

(8) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

#### **40-5-2-.04 Ingredients. Amended.**

(1) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the Commissioner.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.

(6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (e.g. sugar).

(7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

#### **40-5-2-.05 Directions for Use and Precautionary Statements. Amended.**

(1) Directions for use and precautionary statements on labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and,

(b) Include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

(2) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Regulation 40-5-3.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

(4) Raw milk distributed as commercial feed shall bear the following statements in letters equal to those of the largest size found on the container: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA.

#### **40-5-3-.01 Non-Protein Nitrogen. Amended.**

(1) Urea and other non-protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(2) Non-protein nitrogen defined in the Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25% of the total daily ration.

(3) On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

#### **40-5-4-.01 Drug and Feed Additives. Amended.**

(1) Prior to approval of the label for commercial feed which contain additives (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

(2) Satisfactory evidence of safety and efficacy of a commercial feed may be:

(a) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the most current Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use, or

(b) When the commercial feed is itself a drug as defined in Section 2-13-1(6) of the Act and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b), or

(c) When one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process) the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended, or

(d) When the commercial feed is a direct fed microbial product and:

1. The product meets the particular fermentation product definition; and

2. The microbial content statement, as expressed in the labeling, is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms." This statement shall appear on the label; and

3. The source is stated with a corresponding guarantee expressed in accordance with Regulation 40-5-2-.03(7).

#### **40-5-5-.01 Commercial Feed License; Exemptions.**

The following persons are required to obtain a Commercial Feed License before distributing commercial feed in this state:

(a) Any person who manufactures a commercial feed (including customer-formula feed) in this state;

(b) Any person whose name appears on the label of commercial feed (guarantor) in this state;

(c) Any distributor of commercial feed in this state, provided that no commercial feed license shall be required for distributors distributing only:

1. Packaged commercial feed in the original packages or containers of a licensed manufacturer, guarantor, or distributor as packaged and labeled by the manufacturer, guarantor, or distributor and whose name and address appear on the label as required under Section 2-13-8 of the Act, or

2. Bulk commercial feed in the form received from a licensee and labeled as required under Section 2-13-8 of The Act with label information furnished by such licensee, except for the net weight statement.

#### **40-5-5-.02 Commercial Feed License Fees.**

The license fee shall be based upon the tonnage (rounded off to nearest whole ton), of commercial feed distributed by the licensee in the previous calendar year ending December 31, and a penalty if received after the due date of January 31, as prescribed in the following schedule:

##### **Schedule of Fees and Penalty**

Tonnage	Jan. 31	Feb. 29	March 31	April 1
0 - 2500	\$ 75	\$ 90	\$ 105	\$ 150
2501-5000	\$ 200	\$ 240	\$ 280	\$ 400
5001-10000	\$ 400	\$ 480	\$ 560	\$ 800
10001-15000	\$ 600	\$ 720	\$ 840	\$ 1,200
15001-20000	\$ 800	\$ 960	\$ 1,200	\$ 1,600
20001-25000	\$ 1,000	\$ 1,200	\$ 1,400	\$ 2,000
25001-30000	\$ 1,200	\$ 1,440	\$ 1,680	\$ 2,400
30001-35000	\$ 1,500	\$ 1,800	\$ 2,100	\$ 3,000
35001 or more	\$ 2,000	\$ 2,400	\$ 2,800	\$ 4,000

#### **40-5-5-.03 Registration Fees.**

All pet food and specialty pet food in packages often pounds or less must be registered by a licensee, before they are distributed in this state. The registration fee shall be \$ 40.00 per product, provided that if registration fees for renewal of registrations are received after January 31, there shall be a penalty as prescribed in the following schedule:

#### **Registration Fees and Penalty**

<b>Date fee received</b>	<b>Fees</b>
by January 31	\$ 40.00
Feb. 1 - Feb. 29	\$ 55.00
Mar. 1 - Mar. 31	\$ 70.00
April 1 or later	\$ 80.00

#### **40-5-6-.01 Adulterants.**

(1) For the purpose of Section 2-13-10(1) of the Act, the terms "poisonous or deleterious substance" include but are not limited to the following:

(a) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry.

(b) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry.

(c) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of Fluorine per 100 pounds of body weight.

(d) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

(e) Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine).

(2) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no viable noxious weed seeds as listed in the Noxious Weed List of the Georgia Seed Law and its Rules and Regulations.

#### **40-5-7-.01 Good Manufacturing Practices.**

For the purposes of enforcement of Section 2-13-10(8) of the Act the Commissioner adopts the following as current good manufacturing practices:

(a) The regulations prescribing good manufacturing practices for Type B and Type C medicated feeds as published in the most current Code of Federal Regulations, Title 21, Part 225, Sections 225.1-225.202.

(b) The regulations prescribing good manufacturing practices for Type A Medicated Articles as published in the most current Code of Federal Regulations, Title 21, Part 226, Sections 226.1-226.115.

### **PET FOOD REGULATIONS**

#### **40-5-8-.01 Definitions and Terms.**

(1) **PRINCIPAL DISPLAY PANEL** means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

(2) **INGREDIENT STATEMENT** means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.

(3) **IMMEDIATE CONTAINER** means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

#### **40-5-8-.02 Label Format and Labeling.**

(1) The statement of net content and product name must be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of purchase and sale.

(2) The declaration of the net content shall be made in conformity with the United States "Fair Packaging and Labeling Act" and the regulations promulgated thereunder.

(3) The information which is required to appear in the "Guaranteed Analysis" shall be listed in the following order:

- (a) Crude protein (Minimum Percentage);
- (b) Crude fat (Minimum Percentage);
- (c) Crude fiber (Maximum Percentage);
- (d) Moisture (Maximum Percentage); (Additional guarantees shall follow Moisture.)

(4) The label of a pet food shall specify the name and address of the manufacturer, packer, or distributor of the pet food. The statement of the place of business should include the street address, if any, of such place unless such street address is shown in a current city directory or telephone directory.

(5) If a person manufactures, packages, or distributes a pet food in a place other than his principal place of business, the label may state the principle place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed, if such statement is not misleading in any particular.

(6) A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

(7) The use of the word "proven" in connection with label claims for a pet food is improper unless scientific or other empirical evidence establishing the claim represented as "proven" is available.

(8) No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.

(9) Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

(10) When a pet food is enclosed in any outer container or wrapper which is intended for retail sale, all required label information must appear on such outside container or wrapper.

(11) The words "Dog Food", "Cat Food", or similar designations must appear conspicuously upon the principal display panels of the pet food labels.

(12) The label of a pet food shall not contain an unqualified representation or claim, directly or indirectly, that the pet food therein contained or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats unless such product or feeding:

(a) Contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat, as the case may be, which have been established by a recognized authority on animal nutrition. To the extent that the product's ingredients provide nutrients in amounts which substantially deviate from those nutrient requirements estimated by such a recognized authority on animal nutrition, or in the event that no estimation has been made by a recognized authority on animal nutrition of the requirements of animals for one or more states of said animals' lives, the product's represented capabilities in this regard must have been demonstrated by adequate testing or,

(b) Contains a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide satisfactorily for fertility of females, gestation and lactation, normal growth from weaning to maturity without supplemental feeding, and will maintain the normal weight of an adult animal whether working or at rest and has had its capabilities in this regard demonstrated by adequate testing.

(13) Labels for products which are compounded for or which are suitable for only a limited purpose (i.e., a product designed for the feeding of puppies) may contain representations that said pet food product or recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only:

(a) In conjunction with a statement of a limited purpose for which the product is intended or suitable (as, for example, in the statement of a complete food for puppies). Such representations and such required qualification therefore shall be juxtaposed on the same panel and in the same size, style and color print; and

(b) Such qualified representations may appear on pet food labels only if:

- 1. The pet food contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, for such limited or qualified purpose; or
- 2. The pet food product contains a combination of ingredients which when fed for such limited purpose will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing.

(14) Except as specified by Regulation 40-5-8-.03(1), the name of any ingredient which appears on the label other than in the product name shall not be given undue emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, shall constitute at least 3% of the total ingredients (exclusive of water sufficient for processing) when

preceded by the designation "with" or like term, shall be in the same size, style and color print and if the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

(15) The label of a dog or cat food [other than one prominently identified as a snack or treat as part of the designation required upon the principal display panel under Regulation 40-5-8-.02(11)] shall bear, on either the principal display panel or the information panel (as those terms are defined in 21 C.F.R. 501.1 and 501.2 respectively), in type of a size reasonably related to the largest type on the panel, a statement of the nutritional adequacy or purpose of the product. Such statement shall consist of one of the following:

a) A claim that the pet food meets or exceeds the requirements of one or more of the recognized categories of nutritional adequacy: gestation, lactation, growth, maintenance, and complete for all life stages, as those categories are set forth in Regulations 40-5-8-.02(12) and (13).

b) A nutrition or dietary claim for purposes other than those listed in Regulations 40-5-8-.02(12) and (13) if the claim is scientifically substantiated.

c) The statement: "this product is intended for intermittent or supplemental feeding only," if a product does not meet either the requirements of Regulations 40-5-8-.02(12) and (13) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

d) The statement: "Use only as directed by your veterinarian", if it is a pet food product intended for use by, or under the supervision or direction of a veterinarian and shall make a statement in accordance with subparagraphs (15)(a) or (15)(c).

(16) The use of claims on pet food labels stating improvement or newness shall be sufficiently substantiated by the manufacturer and limited to six months production. The use of claims stating preference or comparative attribute claims shall be sufficiently substantiated by the manufacturer and limited to one (1) year production after which the claim must be removed or resubstantiated.

(17) Dog and cat foods labeled as complete and balanced for any or all life's stages as provided in 40-5-8-.02(15)(a) except those pet foods labeled in accordance with Section 40-5-8-.02(15)(d) shall list feeding directions on the product label. These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum state "Feed (weight/unit of product) per (weight unit) of dog (or cat)".

(18) Raw milk distributed as pet food or specialty pet food shall bear the following statements in letters equal to those of the largest found on the container: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA.

#### **40-5-8-.03 Brand and Product Names.**

(1) Any flavor designation on a pet food label must either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word flavor shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived. Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, upon request, supply verification of the designated or claim flavor to the appropriate control official.

(2) The designation "100%" or "All" or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.

(3) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep and goats. For example, "horsemeat" and "horsemeat by-products".

(4) The name of the pet food shall not be derived from one or more ingredients of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by Regulations 40-5-8-.03(1),

(6) or (7): provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

(a) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or its present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

(b) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or

(c) It is not otherwise false or misleading.

(5) When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes 95% or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; provided that where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style, and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 70% of the total product.

(6) When an ingredient or a combination of ingredients constitutes at least 25% but less than 95% of the total weight of all ingredients of a dog or cat food mixture, the name or names of such ingredient or ingredients may form a part of the product name of the pet food if each of the ingredients constitute at least 3% of the product weight excluding water used for processing and only if the product name also includes a primary descriptive term such as "dinner", "platter", or similar designation so that the product name describes the contents of the product in accordance with an established law, custom or usage or so that the product name is not misleading. If the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product. All such ingredient names and the primary descriptive term shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 10% of the total product.

(7) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with Regulations 40-5-8-.03(1), (4), (5), or (6).

(8) When pet food and specialty pet food consists of raw milk, the words, "Raw (blank) Milk" shall appear conspicuously on the principal display panel. (Blank is to be completed by using the species of animal from which the raw milk is collected.)

#### **40-5-8-.04 Expression of Guarantees.**

(1) The sliding scale method of expressing a guaranteed analysis (for example, "protein 15-18 %") is prohibited.

(2) Pursuant to Section 2-13-8(a)-(3) of the Act, the label of a pet food which is formulated as and represented to be a mineral supplement, shall include in the guaranteed analysis the minimum and maximum percentages of calcium, the minimum percentage of phosphorus and the minimum and maximum percentages of salt. For products labeled by net content as stated in 40-5-2-.01(1)(a), guaranteed analysis may be expressed in mg per unit, consistent with those employed for the net content as provided in 40-5-2-.03(1). The minimum content of all other essential nutrient elements recognized by the AAFCO Dog or Cat Food Nutrient Profile or other recognized nutrient profile from sources declared in the ingredient statement shall be expressed as the element in units specified in the recognized nutrient profile.

(3) The label of a pet food which is formulated as and represented to be a vitamin supplement shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement.

(4) Vitamins guaranteed on pet foods shall be stated in International Units per kilogram (IU/kg) for vitamins A, D, and E. All other vitamins shall be stated in milligrams per kilogram (mg/kg) except vitamin B<sub>12</sub> which may be guaranteed in micrograms per kilogram (mcg/kg).

(5) The vitamin potency of pet food products distributed in containers smaller than 1 lb. may be guaranteed in International Units (IU) per kilogram of weight for vitamins A, D, and E or if labeled by net content as stated in 40-5-2-.01(1)(a) may be guaranteed in approved units per ounce or per unit consistent with those employed for the net content as stated in 40-5-2-.03(4). All other vitamins may be guaranteed in milligrams per kilogram of weight (mg/kg) except vitamin B<sub>12</sub> which may be guaranteed in micrograms per kilogram (mcg/kg).

(6) If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral, or nutrient content of the pet food with levels recommended by a recognized animal nutrition authority, such comparison may be stated in the units of measurement used by the recognized authority on animal nutrition such as the AAFCO Dog or Cat Food Nutrient Profile. The statement in a table of comparison of the vitamin, mineral, or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

(7) The use of percentages or words of similar import when referring to nutrient levels established by the AAFCO Dog or Cat Food Nutrient Profile or other recognized nutrient profile shall not be permitted on pet food labels, except that such direct comparisons in whole or part of the individual nutrient contents of a pet food with those recommended by the recognized nutrient profile may be made where the comparisons are expressed in the same quantitative units as those used by the cited nutrient profile, and

(a) The product in question meets the nutrient profile recommended by the authority, and

(b) The comparison is preceded by a statement to that effect.

#### **40-5-8-.05 Ingredients.**

(1) The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78% or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer which are so labeled, may contain moisture in excess of 78%.

(2) Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the ingredient statement must be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in non-quantitative terms may be misleading. Any ingredient for which the Association of American Feed Control Officials has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual name of the ingredient. Brand or trade names shall not be used in the ingredient statement.



- (3) The term "dehydrated" may precede the name of any ingredient in the ingredient list that has been artificially dried.
- (4) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.
- (5) A reference to the quality, nature, form, or other attribute of an ingredient shall not be made unless such designation is accurate and unless the ingredient imparts a distinctive characteristic to the pet food because it possesses that attribute.

**40-5-8-.06 Drugs and Pet Food Additives.**

- (1) An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations as safe for use, together with the conditions, limitations, and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets.
- (2) Prior to approval of a registration application and/or approval of a label for pet food, which contains additives, (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the pet food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:
  - (a) When the pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "Generally Recognized as Safe" for such use; or
  - (b) When the pet food itself is a drug as defined in Section 2-13-1(6) of the Act and is generally recognized as safe and effective for label use or is marketed subject to an application approved by the Food and Drug Administration under Title 1, U.S.C. 360(b).
- (3) The medicated labeling format recommended by the Association of American Feed Control Officials shall be used to assure that adequate labeling is provided

**40-5-9-.01 Analytical Variations.**

The Analytical Variations (AV) used to determine whether the analysis of an official feed sample is out of compliance, shall be those adopted by the Association of American Feed Control Officials, Inc. (AAFCO), as published in the Official Publication.